

REMARKS

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed October 31, 2007. Claims 1-21 are pending in the Application.

Claims 1-12, 15-16, and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challener (U.S. Pat. Pub. 20030186679) in view of Zuk *et al.* (U.S. Pat. Pub. 20030154399).

Claims 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challener in view of Zuk *et al.* as applied to Claim 1, and further in view of Won *et al.* (U.S. Pat. No. 6,754,488).

Claims 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challener in view of Zuk *et al.* as applied to Claim 1, and further in view of Ammon *et al.* (U.S. Pat. Pub. No. 2003017289).

In response to these rejections, Claims 1, 19, and 21 have been amended to further clarify the subject matter which Applicant regards as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

Claims 1-12, 15-16, and 19-21 - §103(a) Rejection – Challener and Zuk *et al.*

Claims 1-12, 15-16, and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challener (U.S. Pat. Pub. 20030186679) in view of Zuk *et al.* (U.S. Pat. Pub. 20030154399).

Applicants respectfully submit the combination of Challener and Zuk *et al.* does not teach, suggest, or disclose identifying a wireless device for tracking based upon the

criteria disclosed by the Applicant. First, as previously discussed, Challener *et al.* only discloses identifying rogue or unauthorized wireless access points utilizing a list of authorized access points.¹ The determination of a rogue or unauthorized access point by Challener *et al.* is based on a comparison with the list. This is not dynamically-based using the dynamic operational and security assessments disclosed by Applicant.

Zuk *et al.* relates to a wired network intrusion detection system, and fails to teach, suggest, or disclose the wireless-based intrusion detection techniques of the Applicant, such as the wireless signature-based tests, protocol-based tests, anomaly-based tests, and policy deviation-based tests. Specifically, Applicant's policy deviation-based tests can be utilized to ensure the wireless device is complying with predetermined wireless policy. Applicant has amended independent Claims 1, 19, and 21 to include a limitation clarifying the policy deviation-based tests to include a deviation from a set of one or more wireless policy settings comprising wireless channel settings, authentication settings, encryption settings, SSID broadcast settings, and rate settings.

Additionally, Challener and Zuk *et al.* do not teach, suggest, or disclose utilizing received data to update wireless statistics used in the dynamic operational and security assessments. Applicant respectfully notes that Challener only teaches maintaining a list of pre-authorized access points, and does not keep statistics to update the list. Further, Zuk *et al.* does not teach, suggest, or disclose maintaining wireless statistics for use in dynamic operational and security assessments. These wireless statistics enable the assessments to dynamically detect both unauthorized devices and authorized wireless devices which are displaying anomalous behavior. The combinations of Challener and Zuk *et al.* does not disclose, suggest, or teach detecting both unauthorized devices and authorized wireless devices which are displaying anomalous behavior. Applicant has also included this limitation in independent Claims 1, 19, and 21.

Specifically, Claim 1 has been amended to recite:

¹ U.S. Patent Pub. No. US2003/0186679, Paragraphs [0026] and [0027]

1. A system for tracking location of a wireless device, the system comprising:

a system data store capable of storing one or more tracking criteria and indicators of one or more wireless devices to track;

a set of one or more wireless receivers;

a system processor in communication with the system data store and the set of wireless receivers, wherein the system processor comprises one or more processing elements programmed or adapted to perform the steps comprising of:

(a) identifying a wireless device for tracking based upon a combination of dynamic operational and security assessments derived using data from the system data store, wherein the dynamic operational and security assessments identify the wireless device for tracking responsive to behavior of the wireless device, wherein the dynamic operational and security assessments comprise signature-based tests, protocol-based tests, anomaly-based tests, and policy deviation-based tests, *and wherein the policy deviation-based tests comprise a deviation from a set of one or more wireless policy settings comprising wireless channel settings, authentication settings, encryption settings, SSID broadcast settings, and rate settings*;

(b) receiving data from a subset of the set of wireless receivers;

(c) storing the received data in the system data store, *wherein the received data is utilized to update wireless statistics used in the dynamic operational and security assessments*;

(d) calculating the position of the identified wireless device based upon the stored data; and

(e) outputting the calculated position.

Applicant has amended Claims 19 and 21 in a similar fashion as Claim 1 and the same remarks apply with equal force here. Accordingly, Applicant respectfully submits the rejection of Claims 1-12, 15-16, and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Challener and Zuk *et al.* has been traversed, and respectfully requests withdrawal.

Claims 13-14 - §103(a) Rejection – Challener, Zuk *et al.*, and Won *et al.*

Claims 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challener in view of Zuk *et al.* as applied to Claim 1, and further in view of Won *et al.* (U.S. Pat. No. 6,754,488). The amendments and remarks with regard to Claim 1 apply

with equal force here. Therefore, Applicant respectfully requests withdrawal of this rejection.

Claims 17-18 - §103(a) Rejection – Challener, Zuk *et al.*, and Ammon *et al.*

Claims 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challener in view of Zuk *et al.* as applied to Claim 1, and further in view of Ammon *et al.* (U.S. Pat. Pub. No. 2003017289). The amendments and remarks with regard to Claim 1 apply with equal force here. Therefore, Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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